

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

UNITED STATES OF AMERICA,)
)
 v.)
)
 BIJAN RAFIEKIAN)
)
 and)
)
 KAMIL EKIM ALPTEKIN,)
)
 Defendants.)
 _____)

Case Number 1:18-cr-457-AJT-1& 2

ORDER

With respect to the jury trial in this case scheduled to begin on February 4, 2019, the
Court Orders as follows:

- I. On **Monday, February 11, 2019** Court will convene at **9:00 a.m.**; the trial will begin with jury selection at 10:00 a.m. If the case requires more than one day, beginning on **Tuesday, February 12, 2019** and through the remainder of the trial, the Court will begin trial at 9:30 a.m., although **counsel should be present by 9:00 a.m.**, unless otherwise informed by the Court.

Subject to the exigencies of the case the Court will take a lunch recess from 1:00 p.m. to 2:00 p.m. and recess between 5:30 p.m. and 6:00 p.m. daily; and, the Court will not conduct the trial on Fridays, although the jury will be permitted to deliberate on Fridays.

II. **Technology in Court**

- A. **Personal Electronic Devices.** The Court only permits electronic devices that will be used to aid in the presentation of evidence at trial, such as laptop computers and other related equipment, and only with the Court's prior authorization. Cell phones and other personal electronic devices are not permitted.
- B. **Evidence Presentation Systems.** In order to bring approved electronic devices for the presentation of evidence into the courthouse, Counsel must obtain authorization from the Court. If Counsel desires to use the Court's evidence presentation system, it also must request use prior to trial. Counsel must submit the completed forms via CM/ECF no later than **one (1) week prior to trial**. Once

the Court has approved the request, counsel will receive a Notice of Electronic Filing (NEF). Counsel is advised to bring the signed form to the courthouse on the dates requested and to present it to the court security officers (CSOs) at the entry of the courthouse. The electronic authorization form and the evidence presentation form are available here:

http://www.vaed.uscourts.gov/locations/documents/NEW_PERSONAL%20ELECTRONICS%20DEVICE%20POLICY.pdf. Counsel **should not request authorization to bring in cell phones or other personal electronic devices**, which are prohibited.

- C. **Orientation to Evidence Presentation Systems.** Orientation prior to any use of the equipment is required. Once you have received approval to use the evidence presentation system, please email the Court Technology Administrator at courtroom_tech@vaed.uscourts.gov to schedule an orientation. **Please include the anticipated date(s) of orientation on the electronic authorization form submitted to the court.** Orientations are for learning how to use the courthouse's evidence presentation system and testing the attorneys' laptop computer connections. Practicing presentations and preparing witnesses is not allowed.

- D. **Additional Information.** Additional information regarding the Court's evidence presentation system is available here:
http://www.vaed.uscourts.gov/resources/Court%20Technology/evidence_presentation_systems.htm.

- III. **Voir Dire.** The Court will conduct the *voir dire*. Each party should submit proposed questions as set forth in the local rules. Additionally, the parties should provide electronic versions of the file in Microsoft Word format. You may e-mail the files to my law clerk (adithi_grama@vaed.uscourts.gov) or submit them to Chambers on a CD or flash drive. Any additional questions should be submitted directly to Chambers.

- IV. **Jury instructions** shall be addressed in the following manner:

- A. The parties shall exchange proposed jury instructions **at least seven (7) days before trial**, and thereafter meet and confer on those instructions in order to reach an agreement on as many jury instructions as possible.
- B. **Five (5) days before trial**, the parties shall jointly submit to Chambers a set of agreed upon instructions. At the same time (5 days before trial), each party shall submit to the Court a set of proposed jury instructions as to which there has not been complete agreement (disputed instructions). The instructions submitted should be the full verbatim instructions to be read to the jury. Mere references to jury instruction numbers in form books are not sufficient. Finally, the parties shall jointly submit an index of all proposed jury instructions designating which instructions are agreed upon and which are not.

- C. For all submitted jury instructions, both agreed upon and disputed, one (hard) copy shall be submitted with citations and one without, as well as electronic versions of each in Microsoft Word format. You may e-mail the electronic files to my law clerk (adithi_grama@vaed.uscourts.gov) or submit them to Chambers on a CD or flash drive. For identification purposes as to disputed instructions, the government should letter their set of instructions and defendant should number their set of instructions.
- D. **Two (2) days before trial**, any party objecting to a jury instruction proposed by another party shall file a brief, no longer than a total of 15 pages, stating the objection(s) to any proposed instructions and any argument in support of the party's own alternative instructions.
- E. The parties may submit supplemental proposed instructions during the trial, or withdraw those previously proposed, in order to reflect the evidence or the Court's rulings. The Court will instruct the jury before closing arguments, and will provide copies of the final set of jury instructions to all parties and to the jury for its use during deliberations.
- F. If there are questions about this process, please contact my law clerk (Adithi Grama) in Chambers.
- V. **Objections During Trial.** As a general rule, the Court will not conduct sidebar conferences on objections during witness examination. If counsel believe that argument or discussion on anticipated objections is necessary, counsel should inform the Court outside the presence of the jury and, to the extent practicable, such objections will be heard before the jury is seated at the beginning of each trial day or after the jury is excused at the end of a trial day.
- VI. **Verdict Form.** After consultation among counsel, please present a proposed verdict form for the Court's consideration at or before the close of the government's case, as well as an electronic copy of the proposed verdict form in Microsoft Word format. If the parties cannot agree, each party should submit its own proposed verdict form in hard copy and electronic copy.
- VII. **Witness and Exhibit Lists.** The government shall file with the Clerk's Office **five (5) days prior to trial** all trial exhibits to be used in the government's case-in-chief, an exhibit list and a witness list, with copies to Chambers. The Defendant is encouraged, but not required, to do the same, but in any event, each party shall have pre-marked for use at trial, all exhibits it intends to use with sufficient copies for opposing counsel and the Court.
- VIII. If any party anticipates significant unresolved issues, other than those that are or will be the subject of motions, please alert the Court as soon as possible.

Contact Information

Judicial Assistant	Kristina Brown	(703) 299-2113
Law Clerk	Adithi_Grama @vaed.uscourts.gov	(703) 299-2202

The Clerk is directed to forward copies of this Order to all counsel of record

Alexandria, Virginia
December 18, 2018



Anthony J. Trenga
United States District Judge